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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Don Shattuck

Serial No. : 10/612,111

For : **GASKET WITH INTEGRAL CHANNEL AND PORT SEAL**

Filed : July 2, 2003

Examiner : Alison K. Pickard

Art Unit : 3673

Twelve East 41<sup>st</sup> Street  
Suite 701  
New York, NY 10017  
Tel. (212) 532-8585

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on .

, Reg. No.

Name of Applicant, Assignee or Registered Representative

*Rosie Stein*  
Signature

8/13/105

Date of Signature

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

Office of Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

## REMARKS

On August 19, 2005, Applicant received a Notice of Abandonment for Application No. 10/612,111 on the grounds that Applicant failed to timely file a proper reply to a Non-Final Office Action mailed July 6, 2004. This Notice, however, was mailed in error because Applicant timely replied to the Office Action on November 17, 2004 with a postcard receipt of November 22, 2004. Applicant, also, timely filed a Response to a January 31, 2005 Notice of Non Complaint Amendment for this application on February 4, 2005 with a postcard receipt of February 10, 2005. Recently, it was discovered that the serial numbers on the responses were incorrectly marked. This is what caused confusion at the Patent Office.

Applicants have attached to this Petition the above-mentioned postcard receipts thereby establishing that a timely reply was filed. That is, these postcard receipts properly identify both replies and provide *prima facie* evidence that the replies were timely filed.

Also attached to this Petition is a Response to the Notice of Non Complaint Amendment.

Please Note, MPEP 711.03(c) set forth that "if the application has been held abandoned for failure to file a reply to a Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment.

When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt."

Accordingly, Applicant hereby requests that the August 19<sup>th</sup> Notice of Abandonment be withdrawn.

## CONCLUSION

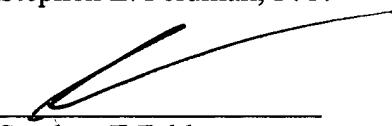
If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

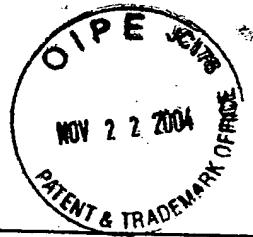
The Examiner's consideration of this matter is gratefully acknowledged.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 06-0515.

Respectfully submitted,  
Stephen E. Feldman, P.C.

By:

  
\_\_\_\_\_  
Stephen E Feldman  
Reg. No. 22,473  
(212) 532-8585



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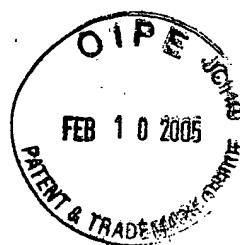
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The Official Stamp of the United States Patent and Trademark Office hereon indicated that the LETTER, CERTIFICATE OF MAILING, AND CHECK FOR \$215.00, IN RE:

Applicant: Don Shattuck  
Serial No.: 10/612,311  
Filing Date: July 2, 2003  
For: GASKET WITH INTEGRAL CHANNEL AND PORT SEAL  
Examiner: Alison K. Pickard  
Art Unit: 3676

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Applicant: Don Shattuck  
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Examiner: Alison K. Pickard  
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